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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,505	08/18/2005	Evandro Luis Francischetti	60130-2373	9945
26096 7590 03/19/2007 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER KOTTER, KIP T	
			ART UNIT	PAPER NUMBER
			3617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/527,505

Applicant(s)

FRANCISCETTI ET AL.

Examiner

Kip Kotter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10 March 2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1-8 are not suitable for publication. The use of shading and poor line quality in these figures has reduced legibility. *See* 37 CFR 1.84(m). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance. **No new matter should be entered.**

2. The drawings are objected to because of the following informalities:

- They fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in page 7 of the description: **10**.
- There is no lead line for reference character “1” in Fig. 4.
- Fig. 8 is objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “at least one projection faces an internal surface of the substantially circular wheel disc” as set forth in claim 3 must be shown or the feature(s) canceled from the claim(s). It appears that the “projection” in Fig. 8 faces away from the internal surface of the wheel disc.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

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sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. **No new matter should be entered.**

### *Specification*

3. The disclosure is objected to because of the following informalities:
- In line 5 of page 2, "designs" should be changed to – **design** –.
  - In line 18 of page 2, "are" should be changed to – **as** –.
  - In line 21 of page 2, the phrase "the brake system of the vehicle equipp" should be changed to – **the brake system of the vehicle.** –. It appears that this sentence has been cut-off.
  - In line 14 of page 4, the "┐"-shaped description should be deleted because it is not shown in the Figures. The free end of the flanges has a curved profile as shown in Fig. 5 and is adequately described by the "J"-shaped profile.
- Appropriate correction is required. **No new matter should be entered.**

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the term “particularly” renders the claim indefinite because it is unclear whether “for use on automotive vehicles” is a limitation. See MPEP § 2173.05(d).

Regarding claims 4 and 5, the limitation “substantially annular-segment shaped” renders the claims indefinite, as it is unclear what shape this limitation would comprise.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Baumgarten et al. (U.S. Patent No. 6068350).

Baumgarten et al. discloses a wheel comprising: a substantially cylindrical wheel rim including at least one flange 41 having an end as shown in Fig. 6; and a substantially circular wheel disc including at least one through bore 52, at least one projection 78 that cooperates with the substantially cylindrical wheel rim, and a substantially annular end region 76 that defines a first contact surface, wherein the first contact surface of the substantially circular wheel disc cooperates with the end of the at least one flange of the substantially cylindrical wheel rim in

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forming a wheel; wherein the radially inward surface of the at least one projection faces an internal surface of the substantially circular wheel disc and defines a second contact surface with the substantially cylindrical wheel rim as shown in Fig. 6 and wherein the at least one projection is substantially annular-segment shaped as best understood by examiner as to what constitutes a substantially annular-segment shaped projection.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgarten et al.

As mentioned above, Baumgarten et al. discloses the wheel described in claim 1.

Baumgarten et al., however, fails to disclose expressly the use of a filling welding for fixing the first contact surface of the substantially circular wheel disc to the at least one flange of the substantially cylindrical wheel rim.

The embodiment of Fig. 3 teaches the use of adhesive layers or welds for fixing the disc to the rim as described in column 5, lines 1-20.

To employ a filling weld to fix the disc to the rim at the first contact surface for the embodiment of Fig. 8 would have been obvious to one of ordinary skill in the art because a

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filling weld is one of a number of well-known welds that can be used to better secure the disk to the rim.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other wheel assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kip Kotter whose telephone number is (571) 272-7953. The examiner can normally be reached on 9:00-4:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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*Russell D. Stormer*  
RUSSELL D. STORMER  
PRIMARY EXAMINER 3/16/07